

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

IGT, a Nevada corporation,

Plaintiff,

v.

BALLY GAMING INTERNATIONAL,  
INC., BALLY TECHNOLOGIES, INC.,  
and BALLY GAMING, INC.,

Defendants.

C.A. No. 06-282-KAJ

**PLAINTIFF IGT'S NOTICE OF DEPOSITION  
OF DEFENDANTS  
PURSUANT TO F.R.C.P. (30)(b)(6)**

TO: Jack B. Blumenfeld, Esquire  
Karen Jacobs Loudon, Esquire  
Morris, Nichols, Arsht & Tunnell  
1201 N. Market Street  
Wilmington, DE 19899

Edward J. DeFranco  
Quinn Emanuel Urquhart  
Oliver & Hedges, LLP  
51 Madison Avenue  
New York, NY 10010-1601

Charles K. Verhoeven  
Kevin P.B. Johnson  
Amy H. Candido  
Quinn Emanuel Urquhart Oliver & Hedges,  
LLP  
50 California Street, 22<sup>nd</sup> Floor  
San Francisco, CA 94111

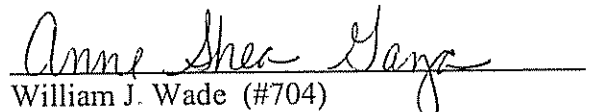
PLEASE TAKE NOTICE THAT, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiffs and Counter-Defendants IGT will take the deposition of Defendants and Counter-Plaintiffs Bally Gaming International, Inc., Bally Technologies, Inc., and Bally Gaming, Inc. ("Defendants") on Monday, January 15, 2007, at 9:00 a.m., at the law offices of Morris Pickering Peterson and Trachok, 900 Bank of America Plaza, 300 South Fourth Street, Las Vegas, Nevada 89101, or at such other time and place as the parties may mutually agree. The deposition will be recorded by stenographic (including

instant visual display of the transcribed oral deposition testimony) (*e.g.*, Live Notes) and sound-and-visual (videographic) means and will be taken before a Notary Public or other office authorized to administer oaths.

PLEASE TAKE FURTHER NOTICE THAT, IN ACCORDANCE WITH rule 30(b)(6) of the Federal Rules of Civil Procedure, Defendants are required to designate one or more officers, directors, or managing agents (or other persons who consent to do so) to testify on their behalf as to all matters set forth in the "Description of Matters on Which Examination is Requested," attached as Exhibit A, and known or reasonably available to Defendants.

*OF COUNSEL:*

David P. Enzminger  
Brett J. Williamson  
David P. Dalke  
Charles A. Thomasian  
O'MELVENY & MYERS LLP  
610 Newport Center Drive, 17<sup>th</sup> Floor  
Newport Beach, California 92660-6429  
(949) 760-9600

  
William J. Wade (#704)  
wade@rlf.com  
Anne Shea Gaza (#4093)  
gaza@rlf.com  
Richards, Layton & Finger  
One Rodney Square  
P.O. Box 551  
Wilmington, DE 19899  
302-651-7700  
*Attorneys for Plaintiff IGT*

Dated: December 5, 2006

**EXHIBIT A**

**DESCRIPTION OF MATTERS ON WHICH EXAMINATION IS REQUESTED**

**DEFINITIONS**

1. **"IGT"** means:

(a) IGT, its parents, predecessors, divisions, subsidiaries, affiliates, partnerships, and joint ventures, either collectively, individually, or in any subset (including, but not limited to Acres Gaming, Incorporated); and

(b) The present and former officers, directors, employees, agents, and other persons acting on behalf of IGT, its parents, predecessors, divisions, subsidiaries, affiliates, partnerships, or joint ventures.

2. The terms **"YOU," "YOUR," "BALLY,"** and **"DEFENDANTS"** as used herein shall each mean and include Bally Gaming International, Inc., Bally Technologies, Inc., and Bally Gaming, Inc., together with each of their respective departments, divisions, subsidiaries, predecessors, and affiliates, past and present, and all employees, representatives, and/or agents acting or purporting to act on any or all of their respective behalf.

3. The term **"BALLY POWER BONUSING"** shall mean all software, products, technology and/or systems marketed by Bally under the name "Bally Power Bonusing," including "Bally Power Winners," "Bally Power Rewards," "Bally Power Promotions," "Bally Power Coupon," "Bally Power Bank," and "Bally Power Sweepstakes."

4. The term **"iVIEW"** shall mean a player tracking unit including hardware and software for providing a touch screen interface and a game management unit or interface board configured to communicate with the touch screen interface, the gaming machine, and the player tracking server, including the combination of the hardware and software for providing the touch screen interface and the game management unit or

interface board.

5. The term “**SDS SYSTEM**” shall mean all hardware, software, servers, products, technology and/or systems marketed by Bally under the name SDS or Slot Data Systems and related hardware, software, servers, and communication components, including, but not limited to, SDS software (such as SDS 10.x, SDS 9.x, SDS 8.x, and other versions), SDS central computer/server (*e.g.*, SDS/6000), operating systems, databases, player tracking systems, iVIEW interface, marketing features (*e.g.*, Bonus Points, Player’s Club, Player Card and Cashless Systems, SDS Web), Reporting, Directed Messages, Game Monitoring Unit (“GMU”), MasterCom xxx (300, 250, 220, etc.), SDS workstation/terminal, GameNet System, GameNet Server (“GNS”), Enhanced Player Interface (“EPI”), SDS Data Transport (“SDT”), DMK (display, multiple card reader and keypad), GameKeeper Server, Terminal Server and Patch Panel, Slot Line Patch Panel, and Slot Line Fuse Rack.

6. The term “**ACSC SYSTEM**” shall mean all hardware, software, servers, products, technology and/or systems marketed by Bally under the name ACSC (including products formerly marketed under different names, such as ACSI, Advanced Casino Systems International, and Advanced Casino Systems Corporation) and related hardware, software, servers, and communication components, including, but not limited to, ACSC software (such as ACSC SMS and ACSC CMS components), ACSC central computer/server (*e.g.*, iSeries AS/400), operating systems, databases, player tracking systems, iVIEW interface, marketing features (*e.g.*, Bonus Points, Player’s Club, Player Card and Cashless Systems, ACSC Web Interface), Reporting, Messaging, NT Board, workstation/terminal, ACSC GameNet (and Gearbox), ACSC GameNet Server (and HAS or Host Access Server), player interface, data transport and other connectivity protocols and systems.

7. The term “**CMS/400 SYSTEM**” shall mean all hardware, software, servers, products, technology and/or systems marketed by Bally under the name

CMS/400 or Casino Management System/400 (including products formerly marketed under different names) and related hardware, software, servers, and communication components, including, but not limited to, CMS/400 v.7.x software (and any other version), CMS/400 central computer/server (*e.g.*, iSeries AS/400), operating systems, OS/400 CL, RPG/400 (RPG IV), databases, player tracking systems, iVIEW interface, marketing features (*e.g.*, CMS/400 Promotional Module, Bonus Points, Player's Club, Player Card and Cashless Systems, iCMS web interface), CMS/400-SDS Interface, Reporting, Messaging, workstation/terminal, player interface, data transport and other connectivity protocols and systems.

8. The term "**CMP SYSTEM**" shall mean all hardware, software, servers, products, technology and/or systems marketed by Bally under the name CMP, CMP 161 or Casino Marketplace (including products formerly marketed under different names) and related hardware, software, servers, and communication components, including, but not limited to, CMP 161 software (and any other versions), CMP central computer/server (*e.g.*, PC-based server), operating systems, CMP Windows software, databases, player tracking systems, iVIEW interface, marketing features (*e.g.*, CMP Tools, CMP Scheduler, Bonus Points, Player's Club, Player Card and Cashless Systems), CMP-SDS Interface, Reporting, Messaging, workstation/terminal, player interface, data transport and other connectivity protocols and systems.

9. The term "**BALLY ONE SYSTEM**" shall mean all hardware, software, servers, products, technology and/or systems marketed by Bally under the name Bally One System, Bally Power One or Bally System 5.0 (including products formerly marketed under different names) and related hardware, software, servers, and communication components, including, but not limited to, Bally One System or Bally System 5.0 software (and any other versions), Bally One System or Bally System 5.0 central computer/server, operating systems, databases, player tracking systems, iVIEW interface, marketing features (*e.g.*, Bonus Points, Player's Club, Player Card and Cashless

Systems), Reporting, Messaging, Video Lottery Terminal ("VLT") interface, Connexus Dataport (including SAS module, Smart Card module, Ethernet module, and wireless module), workstation/terminal, player interface, data transport and other connectivity protocols and systems.

10. The term "**MCC SYSTEM**" shall mean all hardware, software, servers, products, technology and/or systems marketed by Bally under the name MCC, Micro Clever Consulting, OCM or Open Casino Manager (including products formerly marketed under different names) and related hardware, software, servers, and communication components, including, but not limited to, MCC/OCM software (including Back Office, Slot Machine Management, Marketing, and Table Games Management, and any other versions), MCC/OCM central computer/server (*e.g.*, PC-based server), operating systems, Microsoft Windows software, databases, player tracking systems, iVIEW interface, marketing features (*e.g.*, Bonus Points, Player's Club, Player Card and Cashless Systems), Reporting, Messaging, workstation/terminal, player interface, data transport and other connectivity protocols and systems.

#### **DEPOSITION TOPICS**

1. The structure and operation of BALLY POWER BONUSING.
2. The conception, design, and development, including, but not limited to computer source code and object code, of BALLY POWER BONUSING.
3. The structure and operation of BALLY POWER BONUSING in conjunction with SDS SYSTEM.
4. The conception, design, and development, including, but not limited to computer source code and object code, of BALLY POWER BONUSING in conjunction with SDS SYSTEM.
5. The structure and operation of BALLY POWER BONUSING in conjunction with ACSC SYSTEM.

6. The conception, design, and development, including, but not limited to computer source code and object code, of BALLY POWER BONUSING in conjunction with ACSC SYSTEM.

7. The structure and operation of BALLY POWER BONUSING in conjunction with CMS/400 SYSTEM.

8. The conception, design, and development, including, but not limited to computer source code and object code, of BALLY POWER BONUSING in conjunction with CMS/400 SYSTEM.

9. The structure and operation of BALLY POWER BONUSING in conjunction with CMP SYSTEM.

10. The conception, design, and development, including, but not limited to computer source code and object code, of BALLY POWER BONUSING in conjunction with CMP SYSTEM.

11. The structure and operation of BALLY POWER BONUSING in conjunction with BALLY ONE SYSTEM.

12. The conception, design, and development, including, but not limited to computer source code and object code, of BALLY POWER BONUSING in conjunction with BALLY ONE SYSTEM.

13. The structure and operation of BALLY POWER BONUSING in conjunction with MCC SYSTEM.

14. The conception, design, and development, including, but not limited to computer source code and object code, of BALLY POWER BONUSING in conjunction with MCC SYSTEM.

15. The structure and operation of BALLY POWER BONUSING in conjunction with iVIEW.

16. The conception, design, and development, including, but not limited to computer source code and object code, of BALLY POWER BONUSING in conjunction



with iVIEW.

17. The structure, operation, and development of software (including computer source code and object code), products, technology and/or systems marketed by Bally under the names "Promotions-in-a-Box," "Mad-Multiplier," "Step 'n Win," "Stay 'n Play," "Quick Draw," "Quick Draw Tickets," "Electronic Quick Draw," "Power Progressives," "Mounds of Money," "eTicket," "eSeries," "eCoupon," "eCash," "ePromo," "eFund," "Double Bonus Points," "Double Promo," "Follow-Me Bonus Points," "Follow-Me Countdown," "Bonus Point Multiplier," "General Bonus Point Multiplier," "Special Events Bonus Multiplier," and "Chain Reaction."

18. The structure, operation, and development of software (including computer source code and object code), products, technology and/or systems relating to BALLY POWER BONUSING marketed to, sold to or installed at Borgata Hotel Casino and Spa.

19. The structure, operation, and development of software (including computer source code and object code), products, technology and/or systems relating to BALLY POWER BONUSING marketed to, sold to or installed at Lincoln Park racino.

20. The structure, operation, and development of software (including computer source code and object code), products, technology and/or systems relating to BALLY POWER BONUSING marketed to, sold to or installed at Greektown Casino.

21. The structure, operation, and development of software (including computer source code and object code), products, technology and/or systems relating to BALLY POWER BONUSING marketed to, sold to or installed at Seminole Tribe of Florida casinos, including Seminole Hard Rock Hotel & Casino and Coconut Creek Casino.

22. The structure, operation, and development of software (including computer source code and object code), products, technology and/or systems relating to BALLY POWER BONUSING marketed to, sold to or installed at Boyd Gaming



locations nationwide, including South Coast Hotel and Casino, Suncoast, The Orleans Hotel and Casino, Barbary Coast Hotel and Casino and Gold Coast Hotel and Casino.

23. The structure, operation, and development of software (including computer source code and object code), products, technology and/or systems relating to BALLY POWER BONUSING marketed to, sold to or installed at Mohegan Sun at Pocono Downs.

24. The structure, operation, and development of software (including computer source code and object code), products, technology and/or systems relating to BALLY POWER BONUSING marketed to, sold to or installed at casinos or racinos in New York operating under New York Lottery Video Gaming, including Empire City at Yonkers Raceway, Vernon Downs and Tioga Gaming, Racing and Entertainment.

25. The structure, operation, and development of software (including computer source code and object code), products, technology and/or systems relating to BALLY POWER BONUSING marketed to, sold to or installed at Trump Taj Mahal Casino Resort, Trump Plaza Hotel and Casino, and Trump Marina Hotel Casino.

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

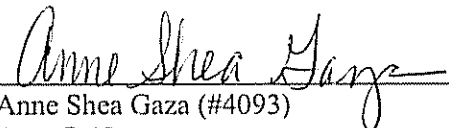
I hereby certify that on December 5, 2006, I caused to be served by hand delivery the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Jack B. Blumenfeld, Esquire  
Karen Jacobs Loudon, Esquire  
Morris, Nichols, Arsht & Tunnell  
1201 N. Market Street  
Wilmington, DE 19899

I hereby certify that on December 5, 2006, I caused to be sent by Federal Express the foregoing document to the following non-registered participants:

Charles K. Verhoeven  
Quinn Emanuel Urquhart  
Oliver & Hedges, LLP  
50 California Street, 22<sup>nd</sup> Floor  
San Francisco, CA 94111

Edward J. DeFranco  
Quinn Emanuel Urquhart  
Oliver & Hedges, LLP  
51 Madison Avenue  
New York, NY 10010-1601

  
Anne Shea Gaza (#4093)  
Gaza@rlf.com  
Richards, Layton & Finger, P.A.  
One Rodney Square  
P.O. Box 551  
Wilmington, Delaware 19899  
(302) 651-7700